

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)
)
Plaintiff,)
) C. A. No. 05-486 (GMS)
v.)
) **JURY TRIAL DEMANDED**
THE TORO COMPANY,)
)
Defendant.)

**STIPULATION TO EXTEND EXPERT REPORT
AND FACTUAL DISCOVERY DEADLINES**

Pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedures, the parties to this action plaintiff Textron Innovations Inc. ("TII"), and defendant The Toro Company ("Toro"), by their respective counsel, hereby stipulate to the following extensions of expert report and factual discovery deadlines in the Scheduling Order (D.I. 40) for this action:

- 1) The deadline for service of the parties' respective initial (burden of proof) expert reports shall be extended from November 3, 2006, until November 17, 2006.
- 2) The deadline for service of the parties' respective opposition expert reports shall be extended from December 4, 2006, until December 18, 2006.
- 3) The deadline for service of the parties' respective reply (burden of proof) expert reports shall be extended from December 15, 2006, until December 29, 2006.
- 4) The deadline for the close of expert discovery shall be extended from January 15, 2007, until January 29, 2007.
- 5) The deadline for the close of fact discovery shall be extended from December 1, 2006, until January 1, 2007.

By entering into this stipulation, the parties agree and represent to the Court that good cause exists for this modification to the Scheduling Order. Fact and expert witness schedules, along with the timing of inspections and the schedules of counsel for both parties, necessitate a short extension of the expert report and factual discovery deadlines. This limited extension is not sought to delay this matter, and all other dates on the schedule remain unchanged.

THE BAYARD FIRM

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SO ORDERED this _____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE

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